

Memorandum

Date: October 10, 2002

Telephone: (916) 654-4067

File: 01-AFC-22

To: Commissioner Arthur Rosenfeld, Presiding Member
Commissioner John Geesman, Associate Member

From: California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Matt Trask
Siting Project Manager

Subject: **STAFF'S PROPOSED SCHEDULE FOR THE SAN JOAQUIN VALLEY ENERGY CENTER REVIEW PROCESS (01-AFC-22)**

Attached is staff's proposed schedule for completion of the Staff Assessment Addendum, and evidentiary hearings and briefs, for the San Joaquin Valley Energy Center (SJVEC) Application for Certification proceeding. Staff's proposed date for release of the Addendum (or FSA) is October 21, 2002.

The proposed schedule allows for several days of evidentiary hearings, though Staff anticipates that as little as two days may be needed to complete hearings. Staff believes this schedule should easily accommodate the time needed by staff, applicant, and other parties to address the issues in dispute. Based upon prior interactions with the applicant, staff anticipates that as many as five issue areas may be in dispute going into the evidentiary hearings: Air Quality, Land Use, Noise, Transmission System Engineering, and Visual Resources. However, both Staff and the Applicant feel that as many as three of those areas could be eliminated from hearings, through stipulation, and that only two areas would remain: Air Quality and Noise. Staff anticipates needing 1½ hours for direct examination in the area of Air Quality, and 2 hours for cross-examination of the Applicant's witnesses. Staff also anticipates needing 2 hours for direct examination for Noise, and 3 hours for cross-examination. Staff does not know how much time the other parties will require for these issue areas, though it is likely that no party other than Staff and the Applicant will raise issues during the hearings. Remaining topics are expected to fall into the "undisputed" category, and may require an hour of the Committee's time to enter into the record.

This is a preliminary estimation of time needed to address the anticipated contentious issues, and may be subject to refinement once the Addendum is issued. Staff will be able to present at the Pre-hearing Conference a clearer picture of exactly how much time will be needed during evidentiary hearings. Therefore, at this time staff respectfully requests that the Committee set hearings on this proceeding essentially on any day after November 18, when key personnel for both staff and the Applicant will be available.

Staff believes that the proposed schedule 6-month will allow for Calpine to meet their contractual obligation to obtain certification within 90 days of November 30, 2002. The 12-month schedule would not.

In response to the Committee's Discussion Items listed in the September 26, 2002, Notice of Scheduling Conference, the San Joaquin Valley Air Pollution Control District released its Final Determination of Compliance for the SJVEC on September 26, 2002. Staff has determined that no additional cumulative impacts analysis is needed for the SJVEC project. Staff has also completed its analysis of the recoductoring projects that Staff feels are reasonably foreseeable projects that the project will indirectly create, and determined that the projects are not likely to result in significant impacts to public safety or the environment. From Staff's perspective, there are no other outstanding issues in this proceeding.

Thank you for your consideration of staff's proposed schedule.

cc: Docket (01-AFC-22)
 Proof of Service List

Attachment

ENERGY COMMISSION STAFF'S PROPOSED SCHEDULE FOR THE SAN JOAQUIN VALLEY ENERGY CENTER

Staff's proposed 6-month process schedule:

| Task | Date |
|--|-------------|
| Addendum | |
| Addendum released | Oct 21 |
| Evidentiary Hearings and Briefs | |
| Committee notices Pre-hearing Conference, Evidentiary Hearings, and filing dates for testimony | Oct 21 |
| Last day for parties to file testimony | Nov 4 |
| Pre-hearing Conference | Nov 5 |
| Evidentiary hearings | Nov 19-20 |
| Parties file opening briefs | Nov 26 |
| Parties file reply briefs | Dec 3 |
| PMPD released | Dec 9* |
| Last day to file public comments on the PMPD | Dec 24* |
| Final decision | Jan 9, 2003 |

* per 6-month regulations, based upon close of hearings on Nov. 20, 2002

Staff's proposed 12-month process schedule:

| Task | Date |
|---|--------------|
| FSA | |
| FSA released | Oct 21 |
| Evidentiary Hearings and Briefs | |
| Committee notices Pre-hearing Conference, Evidentiary Hearings, and filing dates for testimony from Applicant | Oct 21 |
| Last day for parties to file testimony | Nov 4 |
| Pre-hearing Conference | Nov 5 |
| Evidentiary hearings | Nov 19 |
| Parties file opening briefs | Nov 26 |
| Parties file reply briefs | Dec 3 |
| PMPD released | Jan 18, 2003 |
| Revised PMPD or Errata | Mar 3, 2003 |
| Final decision | Mar 19, 2003 |